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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/002,832

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Anoop Tripathi

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7590

08/22/2006

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EXAMINER

LY, ANH VU H

ART UNIT

PAPER NUMBER

2616

DATE MAILED: 08/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/002,832

Applicant(s)

TRIPATHI ET AL.

Examiner

Anh-Vu H. Ly

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11-27 is/are rejected.
- 7) ☒ Claim(s) 1-9, 11-15, 19, 20, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This communication is in response to applicant's amendment filed June 21, 2006.  
Claims 1-9 and 11-27 are pending.

***Claim Objections***

2. Claims 1-9, 11-15, 19-20, 26 and 27 are objected to because of the following informalities:

With respect to claims 1 and 26, in line 5, replace "on the address" with --to the address--.

With respect to claim 2, in line 2, delete one of the periods at the end of the claim.

With respect to claim 4, in line 1, replace "The method of claim 4" with --The method of claim 3--.

With respect to claim 6, in lines 1-2, replace "A system of providing multicasting for announcements" with --A system of multicasting announcements--. In line 8, replace "the plurality of addresses" with --a plurality of addresses--. And in line 10, replace "the announcement" with --an announcement--.

With respect to claim 9, in line 1, replace "The system of Claim 1" with --The system of claim 6-- since claim 6 recites a system and not claim 1.

With respect to claim 11, in line 5, replace "an Real Time Protocol" with --a Real Time protocol--.

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With respect to claim 19, in line 4, replace “the announcements to a proxy” with --the address to a proxy--. Herein, according to the invention, the address which storing the announcement is forwarded to the proxy and not the announcement.

With respect to claims 20 and 27, in line 5, replace “the announcements to a proxy” with --the address to a proxy--. Herein, according to the invention, the address which storing the announcement is forwarded to the proxy and not the announcement.

With respect to claim 22, in line 2, replace “a means” with --means--.

Claims 3, 5, 7-8, 12-15, are automatically objected to as they depend upon objected independent claims 1, 6, and 11.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6-9 and 16-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 6, in line 9, “the address” lacks clear antecedent basis. It is unclear whether the address, herein, refers to the address in the memory or the address among the plurality of addresses communicated to the proxy by the announcement server and which address among the plurality of addresses.

With respect to claim 16, in line 7, “the announcement” lacks clear antecedent basis. It is unclear which announcement being referred to.

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Claims 7-9 and 17-18 are automatically rejected as they depend upon rejected independent claims 6 and 16.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-9 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Kozdon et al (US Patent No. 6,456,601 B1). Hereinafter, referred to as Kozdon.

With respect to claims 1, 21, and 26, Kozdon discloses a method of multicasting announcements in a communication network (Fig. 3), the method comprising:

establishing an address in a memory (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming an announcement (Fig. 3, steps 43-44, announcements and progress tones are already formed and stored within the server 10); and

continuously broadcasting the announcement on the address (Fig. 3, step 46, music-on-hold, announcements and progress tones are continuously broadcasted to the addresses).

With respect to claims 2 and 22, Kozdon discloses communicating the address to a device, and retrieving the announcement from the address (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses).

With respect to claims 3, 7, 18, and 23, Kozdon discloses that wherein the announcement is a tone (Fig. 3, step 44).

With respect to claims 4, 8, and 24, Kozdon discloses that wherein the tone is a call-ringing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claims 5, 9 and 25, Kozdon discloses that wherein the tone is a call-routing tone (col. 4, lines 3-4 – call status tones include busy, ringback, error, and others).

With respect to claim 6, Kozdon discloses a system of providing multicasting for announcements (Fig. 2), the system comprising:

- a caller device (Fig. 2, element 24);
- a proxy coupled to the caller device (Fig. 2, proxy 42);
- a called party device, the called party device coupled to the proxy (Fig. 2, element 34);

an announcement server, the announcement server coupled to the proxy (Fig. 2, multicast server 10), the announcement server continuously broadcasting selected announcements to an address in a memory (Fig. 3, step 46), the announcement server communicating the plurality of address to the proxy and wherein the proxy communicates the address to the caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forwarded the addresses to the telephony-enabled devices to enable the devices to register); and wherein the caller device retrieves the announcement from the address (col. 5, lines 44-47, the telephone 24 uses CTI messages to control the playback of the call progress tones or audio deliveries to the party at telephone 34 from the proxy 40. Herein, the progress tones and audio deliveries are controlled by the address).

With respect to claim 16, Kozdon discloses a method of multicasting announcements, the method comprising:

establishing an address (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10);

forming a plurality of announcements (col. 3, lines 64-65 and Fig. 3, a multicast server 10 for storing or creating the tones 44 or deliveries 43);

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continuously playing each of the plurality of announcements to a distinct address in a memory device (Fig. 3, step 46, tones and deliveries are continuously broadcasted to associated addresses); and

allowing multiple entities to retrieve the announcement from any of the distinct addresses (col. 4, lines 12-14 – telephony enabled devices within the network may obtain a particular call progress tone by registering to the specific multicast group).

With respect to claim 17, Kozdon discloses that wherein the announcement being played at a particular address is switched substantially immediately to another announcement (col. 2, lines 66-67 – the ACD device can periodically select an alternate announcement from the multiplex stream, which comprising a plurality of multiplexed tones or deliveries).

With respect to claims 19, 20, and 27, Kozdon discloses an announcement server (Fig. 3, element 10) comprising:

means for initiating the broadcasting of announcements (Fig. 3, element 50 including means for multicasting signals);

means for determining an address to broadcast the announcements (col. 6, lines 33-36, identifying the locations in memory space at which the call progress tones and deliveries are stored within the multicast server 10) and means for continuously broadcasting the announcements to the address (Fig. 3, step 46, call progress tones and deliveries are continuously broadcasting to associated addresses); and



means for communicating the announcements to a proxy (col. 5, lines 33-39 – proxies are used to receive and process call progress tones and deliveries from the server), the proxy communicating the address to a caller device (col. 6, lines 42-46, the telephony-enabled devices within the network may transmit a request for registration within a multicast group by identifying the address or addresses of the desired call progress tones or the desired audio deliveries. Herein, the addresses must be known by the telephony-enabled devices, e.g., by broadcasting or forwarding, so they can register and retrieve the deliveries from the addresses. As illustrated in Fig. 2, the proxy 42 must have the addresses associated with the progress tones and deliveries and must forward the addresses to the telephony-enabled devices to enable the devices to register).

5. Claims 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gallant et al (US Pub 2002/0136206 A1). Hereinafter, referred to as Gallant.

With respect to claim 11, Rosenberg discloses a method for multicasting announcements, the method comprising:

transmitting an INVITE message to a called party device (page 6, 86<sup>th</sup> paragraph – proxy NS1 attempts contact via Terminal 2 by sending an INVITE message);

receiving responsively to the INVITE message, a response message from the called party device (page 6, 86<sup>th</sup> paragraph – Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing), the response message including a RTP destination address (herein, the provisional response must include the address of the Terminal 2); and

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locating the RTP destination address (herein, response is received at the proxy) and obtaining a continuously broadcasted an announcement from the RTP destination address (the ringing tone).

With respect to claims 12 and 13, Gallant discloses that wherein the announcement is call routing-tone and/or call ringing tone (page 6, 86<sup>th</sup> paragraph - Terminal 2 sends back a “180 Ringing” provisional response as a progress indicator telling the calling party that the terminal is ringing. Herein, the tone is a ringing tone or routing tone).

With respect to claims 14 and 15, Gallant discloses that wherein the response message is a “100 Trying” and/or “180 Ringing” message (page 6, 84<sup>th</sup> paragraph and 86<sup>th</sup> paragraph – “100 Trying” and “180 Ringing”).

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-9 and 11-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Culp (US Patent No. 6,870,925 B2) discloses method and apparatus for providing music to an agent during non-voice dialog communication in an automatic call distributor system.

Horan (US Patent No. 6,347,136 B1) discloses calling party announcement message management systems and methods.

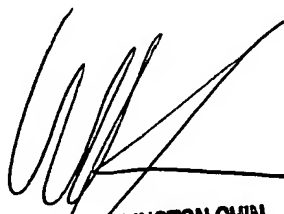
Rice et al (US Patent NO. 6,011,832) discloses multiple service announcement system and method.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anh-Vu H. Ly whose telephone number is 571-272-3175. The examiner can normally be reached on Monday-Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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